

Notice of Allowability	Application No.	Applicant(s)
	09/646,653	TAJIMA, HIDEJI
	Examiner Dwayne K Handy	Art Unit 1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment and arguments filed 04/09/2004.
2. The allowed claim(s) is/are 4-13, 16-28, 30-32 and 49-59.
3. The drawings filed on 18 September 2000 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>9/18/2000</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on September 18, 2000 did indeed include an English language version of a PCT search report. Accordingly, the information disclosure statement has been considered by the examiner. The Examiner apologizes for the previous oversight.

Allowable Subject Matter

2. Claims 4-13, 16-28, 30-32 and 49-59 are allowed.

3. The following is an examiner's statement of reasons for allowance:

In the previous action, the Examiner objected to claims 12 and 16 as being dependent upon a rejected base claim but allowable if rewritten to include the limitations of the intervening claims. Applicant has now rewritten claims 12 and 16 to include these limitations. Applicant has also added new claim 49. This claim also contains the allowable feature from original claim 12. In claim 49 applicant has claimed an apparatus comprised of a plurality of fluid nozzles and a magnetic field generator that can generate a magnetic field that is effective within the nozzles. The magnetic field generator has *a plurality of first openings for receiving the nozzles and a plurality of second openings which are larger than and communicate with the first openings so that the nozzles may be inserted into and withdrawn from the second openings as well as*

moved between one of said first openings and the second opening which communicates with it. In claim 12 applicant now claims an apparatus comprised of a drawing and/or discharging device, a plurality of nozzles arranged in a plane and passing the fluid therethrough during the drawing and/or discharging, and a magnetic force device for applying and removing a magnetic field to and from the nozzles. The magnetic force device of claim 12 enables magnetization of each nozzle in contact or near the surface while allowing the force device to remain stationary. The magnetic force device is comprised of a magnetic member made of a magnetic material with a plurality of through sections for each nozzle as well as a separate hole with a larger opening in communication with the through section that allows the nozzles to be move to and from the through sections and hole of the magnetic force device. The presence of the dual openings in the magnetic field generator/magnetic force device is the distinguishing feature of the instant claims in reference to the prior art. This allows for the movement of the nozzles between the two openings without removing the nozzles. The Examiner considers "Tuunanan (WO 95/00247)" to be the closest prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne K Handy whose telephone number is (571)-272-1259. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKH
June 8, 2004


Jill Warden
Supervisory Patent Examiner
Technology Center 1700